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# Provider-Owned Housing Standards

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Keys Amendment, HCBS Final Rule

November 24, 2014

# Keys Amendment

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What is it?

- §1616(e) of the Act (also known as the Keys Amendment) requires that a state adopt standards that apply to facilities (e.g., group homes, congregate living arrangements) that serve four or more unrelated Supplemental Security Income (SSI) recipients.

To what does it apply?

- When waiver services are furnished in such facilities, the facilities must be in compliance with the state's Keys Amendment standards.
- The Keys Amendment **does not apply** to a participant's private residence or other non-facility community living arrangements (e.g., the family home or a living arrangement that a person shares with a friend).

# Keys Amendment

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- A “home and community character” includes describing how the facility is:
  - community-based
  - provides an environment that is like a home
  - provides full access to typical facilities in a home such as a kitchen with cooking facilities, small dining areas
  - provides for privacy and easy access to resources and unscheduled activities in the community.
  - Residents should have the opportunity for visitors at times of preference and convenience to them.

# HCBS Final Rule

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The final rule requires that all home and community-based settings meet certain qualifications. These include:

- The setting is integrated in and supports full access to the greater community;
- Is selected by the individual from among setting options;
- Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint;
- Optimizes autonomy and independence in making life choices; and
- Facilitates choice regarding services and who provides them.

# HCBS Final Rule

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The final rule also includes additional requirements for provider-owned or controlled home and community-based residential settings. These requirements include:

- The individual has a lease or other legally enforceable agreement providing similar protections;
- The individual has privacy in their unit including lockable doors, choice of roommates and freedom to furnish or decorate the unit;
- The individual controls his/her own schedule including access to food at any time;
- The individual can have visitors at any time; and
- The setting is physically accessible.